Sectt H-27—38,004—4-11-46.

E & P H. **(1947) Department.**

SERIES.

G.O. NO. MS.2566 Public Health

31

Dated the 25th July 1947

[Despatch Abstract.]

Licence fees - Mangalore Municipal Council - Resolution fixing the rates for hotesl - Cancellation - Notice to show cause against - Issued.

To

The Secretary to Government,

Local Administration Department,

Government of Madras, M a d r a s.

Appeal-petition submitted by A. A. de Souza, Secretary, Mangalore Meals Hotel Keeper's Union, Hampankatte, Mangalore, South Kamra Dt.

Being highly aggrieved by the order passed by the Commissioner, Mangalore Municipality, rejecting the petition filed by the appellant dated 15-6-1946 to the Commissioner of the Mangalore Municipality in L.Dis. No.7152-46 dated 3-7-1946 (copies enclosed) the above-named appellant begs to prefer this appeal on the following among other grounds of appeal:

Grounds of appeal.

1. The order of the Commissioner, Mangalore Municipality, enhancing the license fee for third class meals hotels to two months' rental value of the building occupied by the hotel-keeper or double the property tax of the year whichever is higher has worked untold hardship and has practically obliged the hotel keepers to abandon their profession to the great detriment of the public.

2. The Commissioner seems to have taken absolutely no data for fixing two months' rental value as appropriat license fee for third class meals hotels within the Mangalore Municipality. In several cases the ~~ex~~ meals hotel-keepers are carrying on their business in their own residential house and using only a portion of their building for hotel purposes. If at all the Commissioner is justified in fixing two months' rental value of the actual premises used for carrying on hotel business, apar

from the fact that the license fees of two months' rental is open to criticism as being arbitrary, exorbitant, fanciful and uncalled for.

3. Before enhancing the license fee from its original scale the Commissioner of the Mangalore Municipality should have noted that this is not the time to interfere with the license fee for the reasons that the Collector of South Canara has controlled the rates of meals at 5 annas per meal and that it is not possible for any hotel keeper to proportionately enhance the meal charges and also the fact that the hotel keepers are provided with a limited quantity of perquisites or rice and grains which is far below the quantity that is necessary for them to meet even the ordinary demands of the general public in ordinary days. In the circumstances stated above the earning having been proscribed and the profit having been controlled and checked the Commissioner was not justified in throwing the extra burden of paying an extraordinary license fee on the meals hotel keepers.

4. When the Collector fixed As.5/- per meal in Mangalore within the Municipal limits cocoanut was selling at Rs.10/- per hundred whereas to-day it costs over Rs.30/- and firewood that was costing Rs.5/- per candy costs Rs.9/- and odd to-day. These two are some of the instances to show that the price of articles and foodstuffs have increased two-fold within the Mangalore Municipality after the Collector has been pleased to control the meal rates.

5. In most of the third class hotels fish is the principal dish that is being served to the customers. The value of the same has increased eight-fold to-day, and meat that was selling at As.5/- per lb. is sold to-day at 14 annas per lb.(control rate). It is therefore highly unjust to keep the limit of charges for meals when the Government does not take proper steps to control the prices of cocoanuts, fish, meat etc.

6. When the gross receipts of a hotel keeper therefore is prescribed by the controls imposed by Government it is unnatural to find that he is asked to meet extraordinary inroads on his earning which practically exhausts the entire amount received by him. Of ~~profit~~ profit one need not talk about it when the prices of food-stuffs, fish etc. are soaring so very high.

7. Here it may not also be out of place for the appellant to respectfully submit that the rents of buildings in Mangalore Town have increased after the War five fold or six fold. For instance a little house which fetched Rs.10/- per month as rental to-day easily fetches Rs.50/-, and the Commissioner of the Mangalore Municipality is to think that two months' rental value of a meals hotel or two years property tax at the present rate is fair and just and is a proper fee leviable on hotel-keepers as license fee is most extraordinary and shows an utter disregard to the present conditions that are prevailing within the Mangalore Municipality.

8. The appellant begs to submit that it would be proper and reasonable for the Authorities concerned to take into account the number of persons who are taking meals in a hotel or take into consideration the quota of provisions supplied to a hotel-keeper in arriving at or fixing the requisite license fee. Otherwise it would be quite possible for a very big meals hotel keeper who has got considerable number of customers—to carry on his business in a very small building and thus escape the proper fee that he would have to pay for the business that he carries on.

9. The appellant also begs to submit that most of the hotel-keepers are subjected to the payment of General Sales tax on the turnover business of their

hotel without being given the co-relative right of levying the same from the customers who visit them.

10. The appellant also begs to submit that the present enhanced license fee fixed by the Mangalore Municipality is six times the original rate adopted ~~xxxxxx~~ by the same, thus perhaps competing with ordinary seller in the street.

The appellant therefore submits that the order of the Mangalore Municipality rejecting the appellant's objection petition may be set aside and he may kindly be granted adequate reliefs prayed for in the objection petition.

For which act of justice and sympathy the appellant willever remain grateful.

S. S. Bhat

Appellant.

Mangalore,)
11th August 1946.)

To

The Chairman-in-Council,

Mangalore Municipality, Mangalore.

Humble representation of A.A. de Souza, Secretary The Mangalore Meals Hotel Keepers' Union, Hampankatte, Mangalore.

Sir,

I beg to enclose herewith a copy of the resolution passed at the extraordinary meeting of the Mangalore Meals Hotel Keepers' Union, Mangalore held on 3rd February 1946 directing me to submit an objection petition to the Notification of the Mangalore Municipality dated 21-1-1946 enhancing the license fees on hotels and restaurants etc. and I beg to represent as follows on behalf of the members of the abovesaid Union.

1. That the Members of the Mangalore Meals Hotel Keepers' Union are hotel-keepers carrying on III Class Meals Hotels in this town. That most of them carry on their hotel business by not maintaining any servants but by making their wives and children work as hotel servants.

2. That ever since statutory rationing was introduced in this area most of the members of this Union are not given adequate quota of rice to keep up their hotel business. Moreover the price of cocoanuts and cocoanut oil has risen very high these days and so the price of chillies and other condiments which form the main item of expenditure in a meals hotel.

3. That the benign Collector of South Kanara was pleased to lay down a fixed rate of As.5/- for a meal with which rate the III Class Meals Hotel Keepers are quite unable to supply their meals at present than earn any profit thereby. That most of the members of this Union are only struggling to keep up their hotel business much less earning any profit.

4. That the recent notification of the Mangalore Municipality under reference above enhancing the license fees on hotels and restaurants on the basis of rental of two months or double the property tax of the year whichever is higher has come upon them as a bolt from the blue and they do not see their way to come out of this predicament. That the enhancement of prices on fish, meat, cocoanuts, cocoanut oil etc. they are unable to maintain their hotels at all. The hotel-keepers who are members of this Union look up to your Honour alone to come to their rescue.

5. That owing to the influx of population due to the last Great War the rents of the buildings have increased abnormallyand the present rent has to come down sooner or later as the war has now terminated with a Victory to the Allies. Hence the basis of existing rent cannot be taken as a data for fixing the License fee on the hotels and restaurants.

6. I therefore pray on behalf of the members of our Union that Your Honour may be graciously pleased to classify the local meals hotels in accordance with the nature and volume of their business and the enhancement

of the license fee may kindly be revived and the III Class Hotel Keepers who are members of this Union may kindly be helped to maintain their business and overcome their indebtedness.

For which act of justice and generosity I shall as in duty bound ever feel grateful to Your Honour.

I beg to remain,
Sir,
Your most obedient servant,

Mangalore,)
6th February 1946.)

Copy submitted to: (1) The Commissioner, Mangalore Municipality, Mangalore (2) The Collector of South Kanara, Mangalore for information and for doing the needful.

Mangalore,)
6th Febry.1946.)

(True copy) 13.8.46

Resolution passed at an extraordinary meeting of the members of the Mangalore Meals Hotel Keepers' Union, Mangalore held on Sunday the 3rd February 1946 at 5 p.m. at the premises of the Ananda Bhavan Satkara Mandir, Opposite Government College, Mangalore.

x x x x x x x

Proposed by Sri K.Ganpat Nayak and seconded by Ignatius Peereira that the Secretary of the Mangalore Meals Hotel-Keepers' Union may be authorised to draft an objection petition to the Notification of the Mangalore Municipality dated 21-1-1946 enhancing the License fees on Hotels and Restaurants.

passed unanimously.

(Sd) Ignatius Pereira
Treasurer.

(Sd.) K.Ganpat Nayak
President.

A. A. de Souza
Secretary.

Mangalore Meals Hotel Keepers' Union,)
Hampankatte, Mangalore 6th Febry.1946.)

(True copy)

A. A. de Souza
13.8.46.

L.Dis.7152/46 Municipal Office, Mangalore 28-6-46.

Endorsement on the petition dated 15th June 1946 from A. A. de Souza, Secretary, Mangalore Meals Hotel-Keepers' Union, [redacted], Mangalore.

The petition was rejected by the Council in its resolution No.3 dated 6-5-1946.

(Sd.) M.Narayana Shenoy
Commissioner.

(True copy)

(Sd.) A.D'Souza,
Manager.
3-7-46.

13.8.46.

Education and Public Health Dept. (Fz)

Endt. No.-107387-Fz/46-IPHD 23.8.46

Returned for resubmission with Court-fee stamps of the value of Rs 1-8-0 affixed. (13y ords)

7 - SEP 1946
51702

SRKeswar
23.8.46
Deputy Secretary

To
The Petitioner.

Re-submitted with Rs. 1.8.0 Court-fee labels affixed.

1/9/1946.

5170-A
~~4279-Fy/46~~ From Secretary Mangalore Rech Hall
Reapers' Union petition D 11th August 46.

4/12/9

Licence: Mangalore Municipality.
Increase of fees for ~~Eating~~ meals licensed.
Memo 5170.2 Fy 46 IPH D 11-9-46.

Referred to the Commissioner, Mangalore Municipality for early remarks.

11/9

10.9.46

SM
11946

10-9-46

to Commissioner
Mangalore Mpty
Itro'enc.
with ofr in original
to be returned with reply)

C.F. 32 (a).

Municipal Department

From (Name) Sri M.Narayana Shenoy, B. A., B. L.,
Designation Commissioner
Station Mangalore Municipality.

Received ..... Registered .....

To The Secretary to Government,
Local Administration Department,
Fort St. George, Madras,
Through
The Chairman, Municipal Council,
M a n g a l o r e.

SECRETARIAT GOVERNMENT EDUCATION AND PUBLIC HEALTH DEPT. 6095 12 OCT 1946

LOCAL ADMINISTRATION DEPARTMENT RECEIVED 4 OCT 1946 SECRETARIAT, FORT ST. GEORGE

No. C2/11502/46 Dated 24th Septr. 1946.

Subject:- Licence - Meals Hotels - Increase in licence fee -- Memorandum No. 51702-F2/46-1 P.H.,dated 11th Septr. 1946.

The licence fee levied on hotels was 'one third of the monthly rental of the premises used or the assessed property tax whichever is higher for the month in which the application is made subject to a minimum of rupee one and a maximum of Rs.40/-' This was too low and the Municipal Council in its resolutions dated the 2nd January 1946 and 28th ~~February~~ January '46 (copies submitted) increased the licence fee on hotels, restaurants, eating houses etc. to double the monthly rental of the premises used or the assessed property tax whichever is higher for the month in which the application is made subject to a maximum of Rs.1,000/- A notification was accordingly published in the District Gazette of January 1946.

2. The meals hotel keepers Union and others affected petitioned the council that the rate fixed was high. The hotel keepers were apparently not serious for at the meeting of the council held on 6th May 1946 no one was present to represent their case and the council in its resolution

No.3 dated the 6th May 1946 (copy submitted) rejected the request for reduction of fees. The coffee hotel keepers have however again submitted a petition on 25th May 1946 for reconsideration of the council resolution while the meals hotel keepers have taken up the matter with Government and the petition of coffee hotel keepers is now pending before the council and if relief is granted to them it would be applicable to other hotel keepers also.

3. The licence fee in force before this was very low and as now raised is not high having regard to the licence fee in force in several other municipalities. The licence fee cannot have any relation to the turnover of business and if a hotel keeper is a poor man he will go in for a premises of a lower rent only and the licence fee will therefore be necessarily low. The rent also is now controlled under the Rent Control laws and in suitable cases the Rent Controller could be approached by Hotel keepers for reduction in rent. It is not a fact that any hotel keeper has gone of the trade because of the acquitable raising in the licence fee. If only a portion of a building is used for hotel purposes the fee is fixed assessing the rental of the portion occupied. It is stated the cost of food stuffs has risen. Consequently the hotel keepers also have raised the price of the stuff sold by them. If price of cocoanut oil etc. is rising the hotel keepers do know if necessary with the sanction of appropriate authorities to raise the price of stuff they deal in.

4. The petition is re-submitted.

Commissioner 30.5.46

Forwarded

2.10.46

Chairman, M.C.

H/27.9.46.

Copy to the Inspector of Municipal Councils and Local Boards, Madras.

Extract from the Proceedings of the Mangalore Municipal Council, dated the 6th May 1946.

x x x

Resolution No.30.

Read petition dated the 6th February 1946 from the Secretary, Mangalore Hotel Keepers' Union, Hampankatta, for the reduction of the enhanced rate of Licence fees on hotels.

Petition is rejected.

x x x

(sd) H.Hoosien Saheb
Chairman, M.C.

(True Extract)

Commissioner
Mangalore Municipality.

compd: h/27.9.46

Extract from the proceedings of the Mangalore Municipal council, dated the 28th January 1946.

x

Resolution No. 47. Draft notification under section 249(1) etc to be published in respect of Dangerous and Offensive trades to have effect from 1st April 1946.

x

Approved.

x

sd/H.Hoosien Saheb
Chairman, M.C.

True Extract

Commissioner
Mangalore Municipality.

compd:

Extract from the Proceedings of the Municipal council, Mangalore, dated the 2nd January 1946.

x x

1. Revised estimate for the year 1945-46 and Budget estimate for 1946-47 connected statements, budget memorandum and the budget committee's recommendation with the file of connected papers.

2. Proposed by Mr. John Gonsalves and seconded by Sri M.Mukunda Nayak that the Budget proposed by the Commissioner and the proposals of the committee be approved and passed with the following modifications Carried.

x x

sd/H.Hoosien Saheb
Chairman, M.C.

(True Extract)

Commissioner
Mangalore Municipality.

compd:

4/19/+

Cr.SN-2F3/16 Licence: Mangalore Municipal Council

Increase in licence fees for hotels.

pi:y From the Commissioner, Mangalore Mphy
C2-11502-465 24th September

Memo: 5172.2-F2/16-2PH-318-X.16

The G.L.B is requested to offer his remarks on the letter of the Municipal Commissioner, Mangalore cited above, a copy of which is stated to have been sent to him direct.

Kv. 17/X/16.

D. ✓

The G.L.B: 17.X.16

18.10.16 ✓

C.F. 32 (a).

Department — Received F2 — Registered

From (Name) K.M. Unnithan Esq., I.C.S.
Designation Inspector of Ml. Cls.&
Station Local Boards, Madras.

To
The Secretary to Government,
Education and Public Health
Department, Fort St.George,
Madras.

Enclosures: Nil

L.Dis.No. 35525-46 dated 31-1- 194 7.

Sir,

5 FEB 1947 9833

Sub:- Licence - Mangalore Municipal Council - Meals Hotel - Increase in Licence fee - Report - submitted. P2/47

Ref:- Government Memo 51702-F2-46-2 P.H. dated 18-10-46.

I submit herewith a copy of the report of the Deputy Inspector Western Range Roc.No. 6696-46 dated 20-1-1947. I agree with his views in the matter. P 26 inf a

For Inspector. 3/2

Copy of the report of the Deputy Inspector of Municipal Councils and Local Boards, Western Range Roc.No. 6696/46 dated 20-1-1947 to the Inspector of Municipal Councils and Local Boards, Madras.

Sub:- Licence - Mangalore Municipal Council - Meels Hotel - Increase in licence fee - report submitted.
Ref:- Your letter Roc.No. 35525-46 C2 dated 14-11-46.

From a comparison of the licence fees obtaining in a few other municipalities it is noticed that the maximum of Rs.1000/- fixed by the Mangalore Municipal Council is very high and can have no justification as it can never be commensurate with the charges involved in inspection and other incidental charges. There does not seem to be any uniformity in the levy of the fees in several municipalities while some are levying them on rental basis a few are levying them on a flat rate. In the case of the former it is noticed that the maximum rate varies considerably while in the case of the latter the fee fixed seems too low. The increase of the fee from one third of the monthly rental to double the monthly rental seems too high. At best the fee may perhaps be fixed at one months' rental value. In this connection I have to state that there is no uniformity in the levy of licence fee among the several municipalities. It also seems difficult to correctly or even approximately fix the fee in terms of expenses incurred for inspection etc., as the number of inspections may be perhaps more in the case of tea-shop on a lower rental than in the case of one on a very much higher rental value. It however seems desirable to have certain uniform rates for all municipalities. As it is, this income is considered by several municipal councils as a source of revenue.

Sd. C.R. Karunakara Menon
Deputy Inspector.

/True copy/

Personal Assistant.

N./3-2.

57/11/47

Fwding Fr the Commissioner, Mangalore mpty
C-2-115-2-46 dt 28-9-46
the Secy to Govt. Local Boards
Lr dis 35525-46 E3 1-1-47

Licence: Mangalore Municipality.
Licence for hotels. Enhancement of fees.

Memo: 51702 Fa/46 - HPH dt 11.2.47.

The Commissioner, Mangalore Municipality has stated, in his letter cited above, that a petition against the ~~~~ ~~~~ ~~~~ ~~~~ ~~~~ ~~~~

...Dis. 2/4-46.

Municipal Office, Mangalore
dated the 4th March 1947.

From

Sri M. Narayana Shenoy, B.A.B.L.,
Commissioner, Mangalore Municipality, Mangalore.

To

The Secretary to the Government of Madras,
Education and Public Health Department,
Fort St. George, Madras,

through

The Chairman, Municipal council,

RECEIVED BY THE GOVERNMENT
10 MAR 1947
EDUCATION AND PUBLIC HEALTH DEPT.

RECEIVED BY THE GOVERNMENT
10 MAR 1947
EDUCATION AND PUBLIC HEALTH DEPT.

Sir,

Licence -- Mangalore Municipality -- Licence for hotels -- Enhancement of fees.
Ref. No.51702 F2/46-4 I.H. dated the 11th Feb.47

The petition dated the 25th May 46 from the Honorary Secretary, South Kanara District Hotel Proprietors Association, requesting to reconsider the matter has been rejected by the Municipal council in its resolution No.20 dated the 14th October 1946.

Commissioner

Forwarded.

7.3.47
Chairman, M.C.

h/5-3

M[illegible]. Form No. 104—(*Kanarese*). Serial No. [illegible]

CHALAN FOR MISCELLANEOUS PAYMENTS INTO THE MUNICIPAL OFFICE.

ಮ್ಯುನಿಸಿಪಲ್ ಆಫೀಸಿನಲ್ಲಿ ಪಾವತಿಮಾಡುವ ವಿವಿಧ ಜಮಾ ಬಾಬಿನ ಮೊಬಲಗುಗಳಬಗ್ಗೆ ಚಲನು.

To

THE Chairman / Commissioner, MUNICIPAL COUNCIL, Mangalore

ಮ್ಯುನಿಸಿಪಲ್ ಕೌನ್ಸಿಲಿನ ಚೇರ್‌ಮ್ಯಾನರವರಿಗೆ / ಕಮಿಷನರು

SIR,

Please receive the sum of Rs. (D-8-0 Annas eight Only)

sent herewith on account of (purpose) license fee for the erection of Temporary marriage pendol in T.S. No 208-B 22nd ward

I request that you will be good enough to grant me a receipt. / license.

ಆಯ್ತು,

ರವಾನಿಸಿರುವ ರೂ. ( )

ಹೆಗಡುಳೆಯಿಂದು ಆ ಚಲ್ಲಿಗೆ ಒಂದು ರಸೀದಿಯು / ಲೈಸೆನ್ಸು ಸ್ನು ದಯವಿಟ್ಟು ಕೊಡಬೇಕಾಗಿ ಅಪೇಕ್ಷಿಸುತ್ತೇನೆ.

Station Mangalore

AC 29/5

Ref: 113-14 from the Commr, Mangalore Mpcty
e2. 1150-46 d 24-9-46

Licence. Mangalore municipality.
Increased levy of fees on hotels etc
- Council's proceedings dated 2-1-46
and 28-1-46.

Memo: 51702 Fa/46 - 6 PH d 29.5.47.,

The Sr Commissioner, Mangalore
municipality is requested to
send in original the connected
including the Council's resolutions
records for the subject cited above
a very early date.

27/5/47

27 May

28-5-47

To
The Sr Commr,
Mangalore municipality

Extract from the proceedings of a meeting of the municipal council, Mangalore held in the municipal office at 5.30 p.m. on Wednesday the 2nd January 1946.

x x

Resolved that excess receipts be taken under the following roads:-

	1945-46 Rs	1946 Rs
Income from stamp duty on the registration of deeds.	1350	54(
Additional toll compensation sanctioned in Govt.Memo.No. 28408 2-E L.A.Dept.D/10th ~~Feb~~ December 1945 - excess over original.	1260	248

Licence fee on Hotels, eating houses etc.

x x

sd. H.Hoosien Saheb
Chairman,M.C.

(True extract)

Municipal Office, Mangalore, dated the 14th June 1947.

Commissioner
Mangalore Municipality

H/14-6-47. compd.

Extract from the Proceedings of the meeting of the council Mangalore dated the 28th January 1946.

x x

Resolution: 47.

Draft notification under section 249 (1) etc. to be published in respect of Dangerous and offensive trades to have from 1- 4- 1946.

Approved.

sd. H.Hoosien Saheb
Chairman,M.C.

(True extract)

14th June 1947.

Commissioner

compd. h/14-6

Reg.Post/Ack.Due.
Ref.C 2/9075-47.

Municipal Office, Mangalore,
dated the 14th June 1947.

From

Sri M. Narayana Shenoy, B.A.B.L.,
Commissioner, Mangalore Municipality, Mangalore.

To

The Secretary to the Government of Madras,
Education and Public Health Department, M a d r a s.

20 JUN 1947

Sir,

Licence - Mangalore Municipality - Increased levy of fees on Hotels etc.

Ref: Government Memorandum No. 51702-F2/46 - 6 P.H., dated t 29th May 1947.

==========

I submit this office file R.Dis. 1878/46 (100 pages in origin along with copies of resolutions dated the 2nd January 1946 and 28th January 1946 as required.

Commissioner

Encls: 1) File R.Dis. 878/46
2) Resolution D/2-1-4
3) do D/28-1-4

E.& P.H.(F2).

C.No. 51702 F2/46.

LICENCE FEES - Mangalore Municipal Council - Resolutio fixing the rate for hotels - Cancellation - Notice to show cause against - Issued.

--

From the Mangalore Meals Hotel Keepers' Union d/11-8-4
" " Commr., Mangalore Mpty., No.C2.11502/46 dated 24-9-46.
" " Inspector of Ml.Cls. & L.Bds. L.Dis.35525/46 dated 31-1-1947.
" " Commr., Mangalore L.Dis.2845/46 dated 4-3-194

ORDER/MS. 2566 P.H., DATED 25-7-1947.

In its resolution dated 28-1-1946, the Mangalore Municipal Council has resolved inter alia to increase from 1-4-1946 the licence fee on hotels, restaurants, eating houses etc., to double the monthly rental of th premises used or the assessed property tax whichever i higher for the month in which the application is made subject to a maximum of Rs. 1000/-.

2. Licence fees should be levied at such rates as will be reasonably required to meet the cost of inspection and other matters incidental to the grant o licence in respect of the trades concerned. The Govt. consider that the above rates fixed by the Mangalore Municipal Council are very high and that they can never b commensurate with the charges involved in the inspection a other charges incidental to the grant of licences to hotels etc. They therefore consider that the resolution of the Council is in excess of the powers of the Council. Under the first proviso to section 36(1) of the M.D.M. Act, the Government hereby call upon the S.O. & Commr., Mangalore Mpty. to show cause within a fortnight of the date of receipt of this order why its resolution dated 28-1-1946 should not be cancelled by Govt.

3. The S.O.& Commr's attention is invited to G.O.No. 630 P.H., dated 16th March 1933. He is informed that the rates fixed by the Council should be revised in consultation with the Inspector of Municipa Councils and Local Boards on the principles laid down in ~~Govt. No. 630 P.H., dated 16th March 1933~~.

The S.O. & Commr., Mangalore Mpty. (with enclosures).
The Inspr. of Ml. Cls. & L.Bds.

Licence fees: Mangalore Municipalit
Mech. Hotels. Increase in licence fees
Rejection.

pp 1-4 f — From the Mangalore Mech. Hotel Keepers' Union pm d 11-8-46
pp 13-14 f — The Commissioner, Mangalore mpty. no C2-1150/2-46 d 24-9-
p 12 f — The Inspector of Mech. Hotels Lr dis 35525-d 31.1
p 22 f — The Comrs. Mangalore Lr dis 28 45-46 d 4.3.

—x—

p 13 f. 1. The Mangalore Municipal Council has decided to increase the licence fees of hotels, restaurants, eating houses etc to double the monthly rental of the premises used or the assessed property tax whichever is higher for the month in which the application is made subject to a maximum of Rs 1000. The licence fee hitherto has been levied at one third the monthly rental of the premises used or the assessed property tax whichever is higher for the month in which the application is made subject to a minimum of rupees one and a maximum of Rs 4

pp 1-4 f 2. The Mech. Hotel Keepers' Union, Mangalore have now submitted a petition to you protesting against this increase of licence fees and requesting that adequate relief may be granted to the hotel keepers. The remarks of the Commissioner on the petition will be found on pp 13-14 f. The remarks of the Dy. Inspector with which the Inspector agrees ~~may~~ with may be found on p 24 f. He seems to suggest that the licence fee may be fixed at one month rental value and also says that it is desirable to have certain uniform rules for all municipalities.

p 24 f

3. The power to fix rates of fees for licences under section 249 of

of the M.D.M Act is invested in the Council under section 321 (2) and this power cannot be restricted except by rules framed under that section. No rules have been made in respect of levy of fees for hotels.

4. The GI's resolution can be cancelled under section 36 of the MDM Act if only conditions in that section are satisfied. It may be noted that in G.O. 630 PH dt 16.3.33 the local bodies have been advised to levy licence fees only so much as to cover the cost of supervision of the trade. If the rates fixed by the GI are considered to be exorbitant, perhaps the resolution may be held to be in excess of power in the light of orders in G.O. 630 PH dt 16.3.33 and may be cancelled. Legal may advise on this point.

(W) (W)

5. As to the suggestion of the Inspector to have uniform rates for all municipalities in regard to licence fees in hotels, the rates are fixed by each local body considering the nature of trade in each area, the nature of trade and other factors. It does not seem desirable to fix uniform rates for the purpose.

6. LA and Legal may see for remarks.

Instructions in the file are, merely executive. Now it is doubtful to be like acting under the instructions we can cancel the resolution under Sec. 36.

7.4.47

LOCAL ADMN DEPT. 1/2408 R Apr 8 47 SECT.

MP 9/4

7.4.47

LA and Legal may advise.

31.3.47

7.4.47

LA / Legal

(Dum 51702 F.

L. A. Dept. (A)

1. Please see E.P.H. note on pp 1-2 ante.

2. This dept. may agree to the views of E.P.H. at D and E on p 2 ante.

3. The file may be passed on to Legal m.o.

Thos. C. Scott

18/4/47 18.4.47

Particulars relating to ~~levy of~~ licence fees levied by ml cls for different purposes - such as D & O. trades, encroachments etc., under the various Sections of the M.D.M. Act - G.O.; have been obtained. The question of advising ml cls to levy licence fees at uniform rates as far as possible, will be examined in this dept. in consultation with E & P.H. and orders issued in due course.

PJM 23/4/47

Legal.

To A 28/4

Legal Department

L.Dis. 12408/47-14 — 28/4/47 (W)

4284

Though the instructions issued in G.O. No.630 P.H. dated 16-3-1933 are executive instructions, they are based on the decisions of the High Court in I.L.R. 52 Ma 764 and 61 M.L.J. 748. Municipal councils and local boards which are authorized by Statute to levy a fee for licence issued by them can levy only such fee as is reasonably required to meet the cost of inspection and other matters incidental to the grant of the licence. It is not permissible to levy a heavy fee so that it may have a deterrent effect. If the fee levied by the municipality is unreasonable or exhorbitant, it would

ASSISTANT SECRETARY 29 APR 1947 LEGAL DEPARTMENT

be in excess of its powers and the Government could cancel
the resolution under section 36 of the District Municipalities Act.

7.5.47 — S — 7/5/47 — E.P.H.

Legal no no 4684/47
7.5.47.

E.P.H.
1-5

Please see the note of legal adviser. In the circumstances stated by the Inspector of Municipal Councils and Local Boards on p24 of, it is for consideration whether the Mangalore Municipal Council's resolution fixing the licence fees for hotels may be cancelled under section 36 (1) of the M.D.M. Act and the Council may be advised to revise the rates in consultation with the Inspector of Municipal Councils and Local Boards on the principles laid down in G.O. 630 P.H. (M) dated 16.3.33.

A

A. may be done

Draft may be sent

Kv
12.5.47

A draft will be put up after orders are passed on the above

JD
12.5.47

12/5/47

Action may be taken as recommended above

17/5/47

Hm (Home)

15.5.47.

Papers with H.A. (Home)

Hm (P.H.)

20/5

JOINT SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPARTMENT
20 MAY 1947

SECRETARY, EDN. AND P.H. DEPT.
GOVERNMENT OF MADRAS
- 0 MAY 1947

Memo 5170.2 Fy/46 E.P.H. dated 29.5.47. F2

From the Commr., Mangalore apptg. 9075/47 dt. 14.6.47 - p1 to 33 A

Please see the letter from the Commissioner, Mangalore apptg on p 31 A. It is requested that the resolution no 47 dated 28.4.47 may be cancelled to forestall such

p 27 A

E&PH

p45/(J)

23.6.47

25.6.47

25-6-47

Legal

ASSISTANT SECRETARY
26 JUN 1947
LEGAL DEPARTMENT

LEGAL DEPARTMENT.

It is doubtful whether it is permissible to cancel the Council's Resolution under section 36 of the District Municipalities Act. (See the previous note of this Department at flag (X). However, as the Commissioner as Special Officer is now exercising all the powers of the Council, it would be open to him to modify or cancel the resolution in so far as it relates to the rates fixed in hotels.

27-6-47

2/7/47 E&PH

ASSISTANT SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPARTMENT
3 - JUL 1947

This file relates to representations against the action of the Mangalore M.C. in having increased license fees for hotels, eating houses etc.

Please see the note from p.4 ante. Legal Dept is of opinion that it is doubtful whether it is permissible to cancel a portion of the resolution (vide the Legal Depts note at X) and that it is open to the Govt to modify or cancel the resolution in so far as it relates to the rates fixed for hotels. The Commr in his letter has expressed himself in favour of the rates fixed by the Council in its resolution no 47 dated 28-1-46. He may therefore be asked to show cause why the resolution no 47 dated 28.1.46 should not be cancelled by Govt. The draft order below is for approval.

15-7-47

18-7-47

23/7

24 JUL 47

24 JUL 47